

REMARKS

Applicant's undersigned representative thanks Examiner Bochna for the courteous interview on December 17, 2007.

Further to the Amendment in Reply to Non-final Office Action filed on November 13, 2007, Applicant has amended claim 21 (the sole independent claim) to include the features of claims 24 and 25 (now canceled). Claims 21-23 and 26-40 are pending in the above-identified application.

Rejection under 35 U.S.C. §112

In the Office Action mailed on July 11, 2007, the Examiner rejected claims 21-40 under 35 U.S.C. § 112 as being indefinite. Applicant addressed this rejection in the previously-filed Amendment and requests that the rejection be withdrawn.

Rejections under 35 U.S.C. §§ 102 and 103

Under 35 U.S.C. §§ 102(b) or (e), the Examiner rejected claims 21-23, 25-26, 29-31 and 37-40 as anticipated by U.S. Patent No. 6,220,634 (Burrowes); claims 21, 32 and 34-36 as anticipated by U.S. Patent No. 5,743,569 (Deters); and claims 21 and 27-28 as anticipated by U.S. Patent No. 5,183,299 (Hallestrom). As amended, sole independent claim 21 includes the features of claims 24 and 25.

As indicated by the anticipation rejections above, none of the cited references (Burrowes, Deters, or Hallestrom) alone discloses or suggests the now-claimed pipe fitting having the features recited in both claims 24 and 25. Thus, none of the cited references anticipates claim 21 as amended, and the rejections should be withdrawn.

Under 35 U.S.C. § 103(a), the Examiner rejected claim 24 as being unpatentable in view of Burrowes, and rejected claim 33 as being unpatentable in view of Deters.

Applicant again submits that none of Burrowes, Deters or Hallestrom, alone or in any reasonable combination, discloses a pipe fitting having an innermost layer and an outer layer where “the outer layer is in contact with but not secured to the innermost

layer, such that the surfaces of the innermost layer and the outer layer are able to move relative to each other”, as discussed in Applicant's previously-filed Amendment.

Furthermore, none of the cited references discloses or suggests the claimed combinations of materials for the innermost and outer layers. For example, Burrowes at best discloses a saddle 30 (e.g., made of an EPDM alloy, an EPDM rubber, and fibrillated aramid fibers) molded around the junction of hoses 20 (e.g., made of polyamide) and an insert 11 (e.g., made of nylon). (See, e.g., Burrowes col. 2, line 41-col. 3, line 18.) Deters is even further removed and does not disclose any examples of materials, let alone the claimed materials. Hallestrom at best discloses a conduit 10 having a pipe 13 (e.g., made of polyvinylchloride) surrounded by an insulating layer 12 (e.g., made of polyurethane) and a sleeve 11 (e.g., made of polyethylene). (See, e.g., Hallestrom col. 3, lines 9-38.)

Moreover, one skilled in the art reading these references would not have been motivated to select the claimed materials. Applicant's claims recite a pipe fitting having an innermost layer and an outer layer where "the outer layer is in contact with but not secured to the innermost layer, such that the surfaces of the innermost layer and the outer layer are able to move relative to each other." As explained in the application:

... When the different layers are not attached to each other, the pipe fitting is very resistant to shear stress. This is because the surfaces that are moving/separate relative to each other transfer forces more flexibly and more advantageously ... (paragraph 0008)

The materials now recited in the claims allow the innermost and outer layers to move relative to each other with little resistance to shear stress.

In contrast to Applicant's claimed invention, the cited references are not directed to pipe fittings having layers that are able to move relative to each other, so one skilled in the art would not have been motivated to modify the references to arrive at Applicant's claimed invention. For example, since Burrowes already discloses that its saddle 30 could theoretically be moved relative to its insert 11 by stretching and deforming a saddle layer, there would not have been any reasonable motivation to select the claimed materials to allow the surfaces of the saddle layer and the insert to move relative to each

other. Deters describes an inner connector 15 and an outer connector 18 molded in place about the inner connector. The outer connector 18 has frangible sections that allow hoses joined to the connector to be removed. So in light of having the frangible sections, and since the connectors 15, 18 are molded in place, there would not have been any reasonable motivation to modify Deters's device and to select the claimed materials to allow the surfaces of the connectors to move relative to each other. Hallerstrom describes an insulated conduit 10 having layers 11 and 13 connected by an insulating layer 12 made of polyurethane foam. So given that layers 11 and 13 are immovably attached by the polyurethane foam, there would have been no reason to modify Hallerstrom's conduit so that layers 11 and 13 are made of the claimed materials.

In light of the above amendments and remarks, the subject matter covered by claim 21 would not have been obvious in light of the cited references.

Claims 22, 23 and 26-40 depend from independent claim 21, and are therefore patentable for at least the same reasons as Applicant's independent claim 21.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

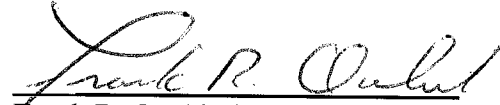
Please apply any required fees to deposit account 50-4189, referencing attorney docket number 46401-014US1.

Applicant(s) : Jarmo Smahl
Serial No. : 10/501,802
Filed : February 9, 2005
Page : 9 of 9

Attorney Docket No.: 46401-014US1
Client Ref. No.: 2011810US

Respectfully submitted,

Date: January 23, 2008



Frank R. Occhiuti
Reg. No. 35,306

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2501
Facsimile: (617) 500-2499
22848.doc